

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at KNOXVILLE

BRENDA J. HAFLEY

Plaintiff

vs.

TARA G. MYERS

Defendant

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Civil No. 3:05-CV-121  
JARVIS/SHIRLEY

**AGREED ORDER OF VOLUNTARY DISMISSAL**

Upon motion of Safeco Insurance Company of Illinois ("Safeco") served with process in this cause pursuant to the Uninsured Motorist Act of the State of Tennessee, T.C.A. § 56-7-1201, et seq., the agreement of the parties, and for good cause shown, to wit: the plaintiffs agree to the dismissal of Safeco in this cause conditioned on there being available and payable to the plaintiff, liability insurance on behalf of the defendant in an amount not less than the \$25,000.00 per person and \$50,000.00 per accident, the uninsured motorist liability limits of the Safeco policy insuring the vehicle operated by plaintiff Brenda Hafley, and, further, should such liability coverage be unavailable, Safeco agrees that the plaintiff may at all times bring Safeco back into this litigation, it being the intention and agreement of the parties that neither party shall gain or lose any rights as a result of this dismissal without prejudice to such rights of the parties.

It is hereby accordingly ORDERED that Safeco be and the same is hereby dismissed without prejudice conditioned upon there being available to the plaintiff liability limits through the carrier for the defendant in an amount at least equal to the \$25,000.00 per person and

\$50,000.00 per accident limits available to the plaintiff through the uninsured motorist coverage contained in the Safeco policy issued to Brenda J. Hafley. Further, should such liability coverage be unavailable, Safeco agrees that the plaintiff may at all times bring Safeco back into this litigation, it being the intention and agreement of the parties, and the order of the Court herein, that neither party shall gain or lose any rights as a result of this dismissal without prejudice to such rights of the parties.

The taxing of costs is reserved pending final judgment in this cause.

ENTER:

*s/ James H. Jarvis*

UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

s/ Dan Channing Stanley, BPR# 021002

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s/Dan Channing Stanley, BPR# 021002 w/ permission

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